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To ensure fair and effective enforcement of immigration and labor laws in the United States, to promote naturalization among eligible aliens, and for other purposes.

IN THE SENATE OF THE UNITED STATES

MARCH 25 (legislative day, FEBRUARY 22), 1994

Mrs. BOXER introduced the following bill; which was read twice and referred to the Committee on the Judiciary

A BILL

To ensure fair and effective enforcement of immigration and labor laws in the United States, to promote naturalization among eligible aliens, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Immigration Enforce-
5 ment Reform Act of 1994”.

1 **TITLE I—LABOR EXPLOITATION**
2 **TASK FORCE**

3 **SEC. 101. ESTABLISHMENT.**

4 (a) IN GENERAL.—The Secretary of Labor shall es-
5 tablish within the Employment Standards Administration
6 a task force to be known as the Labor Exploitation Task
7 Force (hereafter in this title referred to as the “Task
8 Force”).

9 (b) COMPOSITION.—The Task Force shall be com-
10 posed of members who are appointed by the Secretary of
11 Labor.

12 **SEC. 102. DUTIES.**

13 (a) MANDATORY.—The Task Force shall—

14 (1) assist the Secretary of Labor in the enforce-
15 ment of the Fair Labor Standards Act of 1938, the
16 Occupational Health and Safety Act, and any other
17 Federal laws related to labor;

18 (2) identify industries that have a history of
19 violating laws with respect to labor, work place safe-
20 ty and health, or illegal immigration;

21 (3) in coordination with other Federal agencies
22 and State and local agencies, develop an interagency
23 strategy to monitor, investigate, and inspect indus-
24 tries for violations of laws with respect to labor,
25 work place safety and health, or illegal immigration,

1 including, to the extent practicable, the conduct of
2 joint inspections of industries by Federal agencies
3 and State and local enforcement agencies);

4 (4) advise a State or local enforcement agency
5 on the implementation of any strategic activity de-
6 scribed in paragraph (3) at the local level;

7 (5) develop and define basic principles of con-
8 duct that enforcement personnel are to follow during
9 an inspection or investigation described in paragraph
10 (3) or during other contact with the public;

11 (6) develop a system that centralizes Federal,
12 State, and local data bases with respect to industries
13 that have violated the labor, work place safety and
14 health, or illegal immigration laws enforced by each
15 participating enforcement agency; and

16 (7) disseminate information to State and local
17 agencies on the successful outcomes of the investiga-
18 tive, inspection, and preventive activities described in
19 paragraph (3).

20 (b) DISCRETIONARY.—The Task Force may seek ad-
21 vice from, or coordinate efforts to encourage cooperation
22 among, Federal agencies concerned with the prevention of
23 illegal immigration and the hiring and exploitation of un-
24 documented immigrants.

1 **SEC. 103. CIVIL PENALTIES.**

2 (a) INCREASE IN FINES.—For the purposes described
3 in subsection (b), the Secretary of Labor may increase
4 fines prescribed by Federal law with respect to labor law
5 violations.

6 (b) USE OF AMOUNT OF FINES.—The Secretary of
7 Labor shall use the excess amount collected from a fine
8 increased under subsection (a) for additional labor en-
9 forcement personnel, equipment, or the provision of incen-
10 tives to encourage State and local enforcement agencies
11 to cooperate in the activities described in section
12 102(a)(3).

13 **SEC. 104. PROHIBITION ON RETALIATION.**

14 An employer may not retaliate against an employee
15 (including the termination of such employee) for participa-
16 tion or cooperation in any investigative, inspection, or pre-
17 ventive activity carried out under this title.

18 **SEC. 105. DEFINITION.**

19 For purposes of this title, the term “State and local
20 enforcement agencies” means a State or local govern-
21 mental entity that is responsible for the enforcement of
22 laws related to labor.

TITLE II—CITIZENSHIP PROMOTION

SEC. 201. CITIZENSHIP PROMOTION BUREAU WITHIN THE DEPARTMENT OF JUSTICE.

(a) ESTABLISHMENT.—There is established within the Department of Justice a Citizenship Promotion Bureau.

(b) DIRECTOR.—The Bureau shall be headed by a Director of Citizenship Promotion, who shall be a naturalized citizen of the United States and who shall be appointed by the President, by and with the advice and consent of the Senate.

(c) PURPOSE.—The Bureau shall be responsible for the implementation of a comprehensive program of encouraging and assisting immigrants to become naturalized citizens as soon as they become eligible to do so.

(d) COOPERATIVE AGREEMENTS.—The Director is authorized to enter into cooperative agreements with Federal, State, and local governmental agencies and with private entities to carry out the purpose of the Bureau.

(e) TRANSFER OF FUNCTIONS, PERSONNEL, AND ASSETS.—The Attorney General shall transfer to the Bureau established all functions, personnel, and assets which the Immigration and Naturalization Service exercised, employed, or held before the date of the enactment of this

1 Act in carrying out its responsibilities relating to citizen-
2 ship and naturalization.

3 **SEC. 202. NATIONAL CITIZENSHIP ADVISORY BOARD.**

4 (a) ESTABLISHMENT.—The Director is authorized to
5 establish a national citizenship advisory board for the pur-
6 pose of providing advice and recommendations to the Di-
7 rector on matters relating to the granting of citizenship
8 status to aliens lawfully admitted for permanent residence
9 in the United States.

10 (b) APPLICABILITY OF FEDERAL ADVISORY COMMIT-
11 TEE ACT.—The advisory board shall be subject to the pro-
12 visions of the Federal Advisory Committee Act (5 U.S.C.
13 Appendix 2).

14 **SEC. 203. NATURALIZATION FEE ACCOUNT.**

15 (a) ESTABLISHMENT.—(1) There is established in
16 the Treasury of the United States a Naturalization Fee
17 Account, which shall consist of the fees described in sub-
18 section (b).

19 (2) Funds in the Account shall be available to carry
20 out the activities of the Bureau.

21 (b) TRANSFER OF FEES.—Fees collected by the Bu-
22 reau in connection with the performance of naturalization
23 services shall be deposited in the account established
24 under subsection (a).

1 (c) FEE LEVELS.—(1) The Director shall review and
 2 reevaluate the amount of each fee charged for the per-
 3 formance of naturalization services.

4 (2) The Director shall assure that the total amount
 5 of fees collected would cover the full cost of efficiently pro-
 6 viding such services, including the costs of administering
 7 the Bureau and performing related outreach activities.

8 (3) The Director shall, by regulation, prescribe the
 9 amount of each fee to cover the costs described in para-
 10 graph (2).

11 (d) ANNUAL REPORT.—Not later than one year after
 12 the date of enactment of this Act, and every year there-
 13 after, the Attorney General and the Director shall jointly
 14 submit a report to Congress which—

15 (1) assesses the financial condition of the Natu-
 16 ralization Fee Account; and

17 (2) describes the activities of the Bureau.

18 **SEC. 204. REDESIGNATION OF IMMIGRATION AND NATU-**
 19 **RALIZATION SERVICE.**

20 (a) REDESIGNATION.—Effective on the date of enact-
 21 ment of this Act, the Immigration and Naturalization
 22 Service shall be referred to as the Immigration Service.

23 (b) CONFORMING AMENDMENTS.—(1) Section
 24 101(a)(34) of the Immigration and Nationality Act (8

1 U.S.C. 1101(a)(34) is amended by striking “and Natu-
2 ralization”.

3 (2) Section 4 of the Act entitled “An Act to establish
4 the Department of Commerce and Labor”, approved Feb-
5 ruary 14, 1903 (8 U.S.C. 1551) is amended by striking
6 “and Naturalization”.

7 (3) Section 7 of the Act entitled “An Act in amend-
8 ment to the various acts related to immigration and the
9 importation of aliens under contract or agreement to per-
10 form labor, approved March 3, 1891 (8 U.S.C. 1552) is
11 amended by striking “and Naturalization”.

12 **SEC. 205. REFERENCES.**

13 Reference in any other Federal law, Executive order,
14 rule, regulation, or delegation of authority, or any docu-
15 ment of or relating to—

16 (1) the Attorney General or the Commissioner
17 with regard to functions transferred under section
18 201, shall be deemed to refer to the Director;

19 (2) the Service with regard to functions trans-
20 ferred under section 201, shall be deemed to refer
21 to the Bureau; and

22 (3) the Immigration and Naturalization Service
23 shall be deemed to refer to the Immigration Service.

1 **TITLE III—IMMIGRATION**
2 **ENFORCEMENT PRACTICES**

3 **SEC. 301. IMMIGRATION ENFORCEMENT COMPLAINTS.**

4 (a) ESTABLISHMENT OF OFFICE.—There shall be es-
5 tablished in the Department of Justice the Office of Immi-
6 gration Enforcement Complaints.

7 (b) COMMISSIONER.—There shall be at the head of
8 the Office an Immigration Enforcement Complaint Com-
9 missioner, who shall be appointed by the President, by and
10 with the advice and consent of the Senate. The Commis-
11 sioner shall be directly responsible to the Attorney General
12 for carrying out his duties.

13 (c) DUTIES.—The Commissioner shall—

14 (1) have power to investigate any complaint of
15 an unlawful immigration enforcement practice;

16 (2) make recommendations on specific policy
17 and disciplinary actions to the Attorney General
18 with respect to employees of the Department;

19 (3) make recommendations to the Attorney
20 General for the reform of procedures applicable to
21 the investigation of complaints of unlawful immigra-
22 tion enforcement practices and for disciplinary ac-
23 tion against Department employees who engaged in
24 such action; and

1 (4) make recommendations to the Attorney
2 General with respect to bringing prosecutions
3 against employees of the Department who committed
4 criminal offenses in the course of an unlawful immi-
5 gration enforcement practice.

6 (d) COMPENSATION.—The Commissioner is entitled
7 to receive compensation at a rate not to exceed the maxi-
8 mum rate payable for a position above GS-15 of the Gen-
9 eral Schedule, under section 5332 of title 5, United States
10 Code.

11 (e) REGIONAL OFFICES.—The Commissioner, in ac-
12 cordance with regulations of the Attorney General, shall
13 establish such regional offices as may be necessary to
14 carry out his duties.

15 (f) EARLY WARNING PROGRAM.—The Commissioner
16 shall develop a system of procedures, that may be referred
17 to as the “early warning program”, that is designed—

18 (1) to identify Border Patrol officers who have
19 been the subject of an excessive number of legiti-
20 mate complaints of unlawful immigration enforce-
21 ment practices;

22 (2) to provide assistance to such officers in
23 avoiding such difficulty in the future, including the
24 provision of training in communication techniques,
25 conflict resolution, and stress management; and

1 (3) to recommend discipline where appropriate.

2 (g) PROTECTION AGAINST RETALIATION.—It shall be
3 unlawful for the Department, or any officer thereof, to dis-
4 criminate against any employee or applicant for employ-
5 ment because the individual has opposed any practice
6 made an unlawful immigration enforcement practice by
7 this section or because the individual has made a charge,
8 testified, assisted, or participated in any manner in an in-
9 vestigation, proceeding, or hearing under this section.

10 (h) RECORDS.—The Commissioner shall collect and
11 maintain records on all complaints of unlawful immigra-
12 tion enforcement practices filed with the Department.

13 (i) ANNUAL REPORT.—Beginning one year after the
14 date of enactment of this Act, and every year thereafter,
15 the Commissioner shall submit a report to Congress set-
16 ting forth a statistical summary of the complaints of un-
17 lawful immigration enforcement practices filed with the
18 Department during the preceding 12-month period.

19 (j) AUTHORIZATION OF APPROPRIATIONS.—There
20 are authorized to be appropriated to the Commissioner
21 such sums as may be necessary to carry out this section.

22 (k) DEFINITIONS.—For purposes of this section—

23 (1) the term “Commissioner” means the Immi-
24 gration Enforcement Complaint Commissioner ap-
25 pointed under subsection (a);

1 (2) the term “Department” means the Depart-
2 ment of Justice; and

3 (3) the term “unlawful immigration enforce-
4 ment practice” means the excessive use of force, or
5 demonstrated difficulty in dealing appropriately with
6 members of the public, in the course of carrying out
7 immigration enforcement activities.

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